

Bonnie Fogdall

EIS001837

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Subject: 10cfr963 Comment

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webserver@yucca-web1.ymmp.gov on 02/28/2000 04:21:11 PM

To: 10CFR963
cc:

Subject 10cfr963 Comment

February 28, 2000 16:21:11

IP address: 207.173.252.118

The Commentors Name:

----> Ruth Lopez

The Commentors Address:

---->420 "E" Street

---->Needles , California 92363

Email Information:

---->pardners@ctaz.com

----> Add commentor to the mailing list : yes

Contact Information:

----> fax number : 7603264318

----> phone number : 7603262519

----> organization : People Against Radioactive Dumping

----> position : Director

Comment Text :

-->PEOPLE AGAINST RADIOACTIVE DUMPING

424 ?E? Street

Needles, CA 92363

760/326-4318

February 28, 2000

EIS001837

Ms. Wendy R. Dixon, DEIS Program Manager
U. S. Department of Energy
Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
P. O. Box 30307, M/S 010
North Las Vegas, NV 89036-0307

COMMENTS: DOE/DEIS-0250-D YUCCA MOUNTAIN DRAFT ENVIRONMENTAL IMPACT
STATEMENT (DEIS).
PARD OPPOSES PLANS TO SHIP NUCLEAR WASTE, YUCCA MT. DUMP 10CFR963.
PARD DEMANDS EXTENSION AND HEARINGS IN AFFECTED COMMUNITIES.
PARD DEMANDS REDRAFT AND RECIRCULATION OF PROGRAMMATIC NUCLEAR WASTE
MANAGEMENT DEIS/YUCCA MT. DEIS

Dear Ms. Dixon;

1 [People Against Radioactive Dumping (PARD) opposes further expenditures of public
funds to enable the proposed Yucca Mountain nuclear dumping project to proceed. Both
the Draft Environmental Impact Statement (DEIS) and the proposed rulemaking on
2 10CFR963 are enabling the Yucca Mountain project to continue while spending public
funds without a vote of the people. PARD is opposed to both the Yucca Mountain
Project
and the enabling regulation, 10CFR963 which sets for the criteria which allows Yucca
Mountain to be considered ?suitable? for the purpose of dumping mass quantities of
high
level nuclear waste. Our opposition to this Yucca Mountain proposal and 10CFR963 is
set
forth herein:

PARD represents 25,000 San Bernardino County residents who have signed our petitions
to 1) require the responsible management of nuclear materials and 2) rewrite the
nuclear waste management laws to reflect an honest classification of what is really
being proposed for management, 3) manage nuclear waste according to longevity and
level of toxicity/radioactivity?not by who produces/generates it or by where it comes
from. In other words, it does not matter who makes it or where it comes from, the
waste
needs to be classified and managed according to how dangerous it is and how long that
danger will last.]

3 A. [Your ?Programmatic Waste Management DEIS? fails to reflect the diversity of
nuclear
waste and the fact that we need a new classification system. The DEIS fails to
address
the issue that nuclear materials are more safely stored on site until decay,
according to
its classification as an element or isotope. An entire rewrite of the entire
national
management policy in Washington D. C. must exact the management for various isotopes
depending upon specific ?radioactivity? or decay life. Even in our own homes, we
separate the brown bottles from the clear bottles?the nuclear industry must approach
the various elements and isotopes the same way. No further expenditures should be
made or rulemaking imposed regarding nuclear waste disposal plans until after the
entire National Policy on nuclear waste management can be reviewed and revised by a
Blue Ribbon Commission as per proposed SBA 540.

Currently, our nation?s nuclear waste is misclassified and much of the so called
?low
level nuclear waste? should in reality be included in any management proposal for
?high
level nuclear waste and/or mixed waste.? The classification wording ?high? and ?low?
level waste is deceitful and misleading. The same isotopes are included in both waste
forms??high level? waste can become ?low level? simply by mixing and diluting the
shipment. Your representative at the 2/22/00 hearing in San Bernardino claimed that
there would be no ?liquid? waste, but when she says this, she mislead the public. The
DOE
should be honest with the public and letting the public know that they mean something
else. The drums or casks or shipment containers can have so much percentage liquid
and still not be called liquid waste. The DOE can allow the liquid waste to be sopped
up
with toilet paper or whatever and not call it liquid. This is a classification

3 cont.

problem.]

4

B. [Your DEIS fails to address the entire issue of liability and the cost to the taxpayer of assuming the liability of ?civilian? waste. Your DEIS should be forthright and honestly reveal to the public who really benefit from the massive shipment plan. The DEIS should admit that the shipment plan is not for the benefit of the health and safety of the citizen, nor is it for the benefit of the taxpayer. You should admit that the beneficiaries of the shipment plan is the nuclear waste generators and their pocketbooks.

The shipment plan takes the liability monkey from the generator and heaps it on the back of the taxpayer. The taxpayers will be forced to pick up the cost of liability for the deaths, mutations and cancers that are caused by any accidents, spills, leaks, sabotage, terrorist attacks, spontaneous combustion, mistakes associated with shipping, storing, maintaining and monitoring this highly lethal and volatile nuclear waste, forever. PARD OBJECTS TO DOE'S YUCCA MOUNTAIN PLAN.]

5

C. [PARD asked to be included on the DOE's mailing list when PARD's Director, Ruth Lopez signed up at the DOE's annual conference in November of 1998. Why did you ignore us and not send us a copy of the Draft Yucca Mountain DEIS or apprise us of its existence? You knew that we were the local grassroots organization in Needles and San Bernardino County, California and Ruth Lopez has even visited your office in Las Vegas. Our organization has not had 180 days to review the DEIS since we only heard about the DEIS after the San Bernardino Sun ran an article about it in January. We need at least until May to review both the DEIS and the 10CFR963 and to have time for our organization to meet and discuss this issue. We would like the DOE to pay for the cost of our review of your plans and for our organizational meeting to discuss the proposal as you apparently pay private organizations to do.]

6

[Upon a cursory review of your Draft DEIS it became apparent that if the DOE intends to go forward with this, DOE needs to rewrite and circulate the DEIS because it is inadequate, deficient and fatally flawed in the following ways:

1. No Evacuation Plan or Contingency Plan has been proposed and no alternative routes across the California Desert Conservation Area (the East Mojave) and through Needles, California have been assessed. This is akin to putting in a huge housing development in, with only one road to go in and out on and no fire escape route. Obviously, if alternate routes are assessed for this major proposal of massive shipments of the most lethal materials known to humanity, the DOE would be forced to include California Environmental Quality Act (CEQA) regulations and write a Environmental Impact Report meeting the requirements of CEQA regulations. In other words, your DEIS should be an DEIS/R. It is no wonder that you held only one meeting in LonePine, California. The DOE was obviously playing hide and seek from the People of the State of California.]

7

[As you heard on Tuesday, 2/22/00 at the hearing in San Bernardino, our California Governor's office, the State Departments and the County have found the Yucca Mt. DEIS document to be inadequate and deficient. The document is so deficient that it needs to be redrafted and recirculated.

Clearly, a rewrite is needed to address alternative routes that should have been included in the DEIS, for example, there are no alternate routes proposed for the area between Barstow and parts east. If the railroad line is closed down for some reason in the Needles area, what will be done with the shipment. Will roads be used? If so, alternate

- 7 cont. routes must be assessed. The routes through Nevada are no longer considered alternatives due to pressure from people in Nevada. So they forced a single funnel through Needles and left Needles totally out of the hearings. This is unacceptable and a clear case of environmental injustice.]
- 8 2. [Your DEIS does not assess the potential adverse impact upon adjacent property and property owners who will be impacted by this proposal. The lands and the life living on those lands, managed by the Bureau of Land Management, by the States of California and Arizona, the County of San Bernardino, by the local cities of Flagstaff, Seligman, Williams, Kingman, Topock, Needles, Barstow, San Bernardino, Fontana, Rialto, Colton, Upland, Rancho Cucamonga and on and on throughout California will be impacted by derailments, delays, and dangerous road crossings.]
- 9 [What if the narrow railroad bridge across the Colorado River adjacent to the Federal Wildlife Preserve, collapses under the weight of the heavy high level nuclear waste shipments? Your DEIS is inadequate deficient because it does not address the issue of reinforcing that bridge or cleaning up potential spills into the Colorado River, or how to prevent attacks on that bridge. What is the contingency plan if the train derails on the bridge or the casks fall into the Colorado River and destroys the drinking water of millions of people?]
- 10... [What about the crossing of the vast East Mojave wilderness managed by the Bureau of Land Management and the National Park Service? The DEIS fails to address the issue of terrorist attacks in the East Mojave, the impact of spills in the East Mojave National Preserve.] I have questioned the BLM with regard to their role in the review of the subject
- 11 DEIS. They claim to have no management authority over the railroad right-of-way. The DEIS needs to address this issue and to identify the roles of the agencies which manage the lands adjacent to and under the railroad tracks. These lands could be directly and indirectly impacted by the accidents, derailments, spills, crashes, mishaps, terrorists attacks, breaches in containers, etc.] What alternate routes would be used that would impact operations in the East Mojave National Preserve? How are agencies prepared to manage nuclear waste spills and accidents and cleanups? How will they manage visitors in the area?]
- 10 cont.
- 12 [These federal agencies, the BLM and NPS need to deal with these issues in the body of the draft DEIS, not just standby and wait to comment. The Department of the Interior and the Department of Energy should both be involved with the development of a management plan for nuclear waste. The Nuclear Regulatory Commission (NRC) should also be signatory to any Nuclear Waste Management Plan that is approved. By no means should the DOE be running this program solo. A solo run program by the DOE can only mean one thing: lopsided interests of the nuclear industry being served at great cost to the taxpayer. As per the National Environmental Policy Act, the affected governmental agencies must concur with the findings and determinations?the NRC and the Department of Interior must all be signatory as well as the States that will be directly and indirectly impacted.]
- 13 [The public has not heard from the governmental agencies as to what they would do in case of an accident, derailment, delay or terrorist attack and we do not know what their contingency or evacuation plans would be or even if they have any. Further, the DOE makes no provision for contingency and evacuation plans and has not worked closely with the local governments and public to formulate policy and plans dealing with potential terrorist threats, accidents, derailments or delays.] The proposed action analyzed in the Yucca Mt. DEIS is really scary and irresponsible and the DOE is guilty of
- 14 frightening (terrorizing) the public with it.]

15 3. [The California public was not informed about the Lone Pine hearing and even if we did know about it, it would have been too far away for most of the public to travel to. The Federal Hearings on the proposed High Level Nuclear Waste Transportation and Storage Project proposed for Yucca Mountain, held on February 22, 2000 at the Radisson Hotel in downtown San Bernardino was four hours away for many San Bernardino County residents. San Bernardino is a large County, larger than many states, and we were forced to travel a long distance. (We should be compensated for our travel expenses).]

16 [The DOE neglected to hold accessible regional hearings in communities that would be adversely impacted by this project. Our elected officials must hold their agents accountable for leaving affected communities out of the hearings which is the same as snubbing, ignoring and being rude to the public who they are supposed to serve.

We want an extension on the comment period to at least May, 2000 and hearings in Flagstaff, Seligman, Williams, Kingman, Yucca, Topock, Lake Havasu City, Havasu Landing, Parker, Arizona and in Needles, Barstow, Fontana, Upland, Rialto, California. These are large communities/Cities along the proposed high level waste transportation corridor or down river from the railroad crossing where the high level waste is to be hauled by train on a little narrow railroad bridge crossing the Colorado River. Laughlin, Nevada and Bullhead City, Arizona would also be impacted because they are undoubtedly on a necessary alternate route. The DOE has ignored these communities and our elected officials, with their hardened hearts have neglected their constituents whom they were elected to represent.]

17 [PARD is opposed to any shipment plan because it is more dangerous to ship the waste than to store it on site where it is generated. If the casks are so safe as the DOE officials have made claim, then generators should put the waste in the casks and store them on site where it is generated, or else, don't generate it.]

18 [The DOE had meetings in all of these out of the way places in Nevada: Amargosa Valley, Pahrump, Goldfield, Ely, Caliente, Reno, Carson City, Austin, Crescent Valley. The DOE also held hearings in Boise, Idaho; College Park, Georgia, Washington D. C.; Denver, Colorado, Las Vegas, Nevada; Salt Lake City, Utah; St. Louis Missouri; Lincoln Nebraska; Cleveland, Ohio, and Chicago, Illinois. But no hearings were held in Arizona or California except in the little out of the way town of Lone Pine.

Then just one week ago a hearing was finally held in the City of San Bernardino, which is much too far away for the people in Needles and Arizona to attend. So with just one week to digest what the DOE had to say, we are required to have our comments in. The public has not been provided adequate time to review and digest the magnitude of the potential adverse impacts of this major federal national program/project of massive shipments of the most lethal, volatile materials on earth because the opportunity to comment was hidden from us by the DOE. The lack of legal notices and announcements in local newspapers early on in the review period, violates the spirit of the law to afford the public adequate time to respond with comments.]

20 4. [Your DEIS fails to take into consideration local decisions against the shipment plan. For example, the Needles City Council unanimously voted at their meeting on 1/12/99 to develop a resolution similar to the one the Ft. Mojave Tribal Council passed about the same time, opposing the DOE's proposed ?intermodal transportation? of radioactive/nuclear waste through Needles. Further, the City of Needles local ballot includes a voter initiative ?Nuclear Free Needles? which if passed will prohibit nuclear waste haulers from using City streets and thoroughfares. The public was overwhelmingly supportive of

20 cont. this initiative measure with the vast majority, almost 500 voters in this small town,
 21 signing to get the petition on the ballot. What happens if the rail line fails at the
 Needles depot. Will the DOE violate local laws to push the waste through our streets?

22 5. More proof is needed that the shipment casks are ?invincible? as the DOE claims.
 If
 23 they are so safe, as the DOE officials have promoted, then the DOE should address the
 issue of storing waste in shipment casks on site where it is generated. PARD demands
 to
 know exactly how many REMs are being emitted from the casks and what the effect of the
 exposure would be upon people working at the downtown Needles depot and to the
 people living on California Avenue and Front Street. The change over at the Needles
 depot is likely to be long, with security personnel, engineers, and conductors
 24 switching
 and with fueling. Mitigation measures are lacking. The DOE does not propose to move
 the people living in harms way. The DEIS should have addressed the issue of buying
 the
 homes along the railroad and helping the people to move if the DOE is going to
 implement
 this kind of disruptive, potentially dangerous nuclear waste shipment plan.

25 6. If storing the waste in casks on site is an alternative, then it should have been
 addressed in the DEIS. And if it is an alternative, why did the DOE waste so much
 money
 on writing this DEIS? PARD demands a complete disclosure of the costs of this DEIS
 including, allocations already made to prepare for ?intermodal transfers? and fund
 26 promises made (to government officials, private individuals, etc.). The San
 Bernardino
 County Association of Governments has been receiving ?intermodal? funding for about a
 year now. The first time PARD heard the term ?intermodal? was in connection with
 nuclear waste shipments at the DOE annual conference in Salt Lake City in 1998. Was
 is
 the connections between ?intermodal? funding for the Needles depot (?El Garces Harvey
 House?) and the DOE? Were DOE funds routed through the State Department of
 Transportation and on to SANBAG and the City of Needles for the preparation of an
 ?intermodal? nuclear waste transfer station where waste from the Palo Verde Nuclear
 27 reactor would be boarded on trains? The DOE failed to discuss exactly how the
 Needles
 depot will be used, and we want this issue addressed; will Palo Verde nuclear waste
 be
 trucked to Needles depot and boarded on trains to Yucca Mountain. The corridors from
 Palo Verde to Needles, I-10, I-40, Hwy 95 through California and Arizona were also
 left out
 of the Yucca Mountain assessment.

28 7. The DOE has engaged in a callous disregard for the truth; no where in the title of
 the
 document is the word ?nuclear? or ?radioactive.? An honest title for the DOE's
 proposed
 alternatives would be the ?National Nuclear Waste Dumping Scheme DEIS.? DOE
 continues to engage in a callous disregard for the truth via tactics of ?half truths?
 and
 ?cover-ups.? The transportation accident record of the DOE was covered up by an
 29 official
 at the DOE's annual conference in November of 1998. The official represented that
 transportation was safe by stating that there were no ?releases? for Type B packages
 but
 when PARD asked, the official would not give the statistics for the Type A and ?Strong
 type? packages until after the meeting. After the meeting, he admitted that out of
 388
 accidents involving radioactive waste, there were 455 releases. These releases were
 again covered up at the San Bernardino hearing on 2/22/00.

30 We object to any further public fund allocations or promises associated with the
 Yucca
 Mt. DEIS or proposed project including funding for the Alameda Corridor. The DOE
 needs
 to go back to the drawing board, and get out of the business of nuclear waste dumping.
 Let the Nuclear Regulator Commission manage the problem of existing waste and let
 31 them force the industry to clean up their own act. The only funds that should have
 ever

31 cont. been spent are with regard to this project are, perhaps, the funds to assess the health and safety risk of producing nuclear waste. This study would have shown that nuclear plants must be immediately replaced by safe forms of energy production such as hydrogen fuel from green algae, wind and solar.

AP NEWS SERVICE 2/22/00
IN SAN BERNARDINO COUNTY SUN
BUSINESS SECTION
?LOWLY POND SCUM HOLDS PROMISE AS ENERGY SOLUTION?

32 [The DOE should be acting in a manner consistent with the State of Kansas which is responsibly storing nuclear waste on site with the understanding that stabilization and

33 neutralization processes will be forthcoming in the not to distant future.] Also, in Massachusetts, waste minimization programs have now been put in place. If waste producers can be forced to store their waste on site, the industry will be discouraged from building more reactors and creating more waste. Providing the nuclear industry and the DOE with a cheap, irresponsible place to dump their massive waste problem, only encourages them to produce more waste at the expense of the health and safety of the American public.]

34 [The United States must get out of the business of producing massive quantities of enriched uranium (U. S. Enrichment Corporation) and selling it overseas. This act is akin to producing tobacco for foreign sales. You are hurting the children and the future of mankind. You know that it is harmful to the health so stop producing it and stop selling it overseas. Nuclear activist Jeff Wright exposed what the U.S. Enrichment Corporation is doing and this friend of PARD's is in jail today because our government has denied him his right to speak and redress the government over these issues, using as their excuse ?meeting disruption? when he inadvertently goes over the meager ?three minutes? which the officials allows citizens in this San Bernardino County to redress government.]

FREE JEFF WRIGHT - FREE PUBLIC REDRESS
DEATH TO THE U.S. (URANIUM) ENRICHMENT CORPORATION

35 [The DOE must address the issue of security and the fact that ?no place is a secure place for the storage of high level nuclear waste for millions of years.? Your DEIS has not convinced us that Yucca Mountain is any more secure than Bunker Hill. The DOE must respect the State of Nevada's wishes?no more nuclear waste here. The action alternative of telling the nuclear industry: ?you made it, you keep it? is the only alternative. The only thing that needs to be dumped are the DOE's plans to ship waste and dump the liability on the taxpayers.]

Submitted by,

Ruth Lopez
for People Against Radioactive Dumping (PARD)

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